



August 11, 1999

Mr. Robert Schleier, Jr.
Schleier & Brown
116 North Kilgore Street
Kilgore, Texas 75662

OR99-2273

Dear Mr. Schleier:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 126567.

The City of Kilgore (the "city") received a request for information concerning an incident, including the name of the complainant. You state that the city provided responsive information, except for the name of the complainant, whom you indicate asked to not be identified. You contend that the complainant's identity is protected under section 552.101 of the Government Code. You also contend that the complainant's identity is protected under section 552.108(a)(2) of the Government Code.

Texas courts have recognized the informer's privilege, *see Aguilar v. State*, 444 S.W.2d 935, 937 (Tex. Crim. App. 1969); *Hawthorne v. State*, 10 S.W.2d 724, 725 (Tex. Crim. App. 1928), and it is a well-established exception under chapter 552. Open Records Decision No. 549 at 4 (1990). Section 552.108(a)(2) excepts from disclosure information concerning an investigation that concluded in a result other than conviction or deferred adjudication.

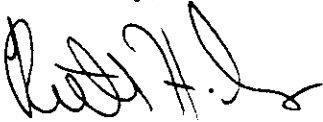
However, information normally found on the front page of an offense or arrest report is generally considered to be public information. *See generally Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976). Included in the categories of information usually open to the public are a detailed description of the incident, the location of the incident, and identification and description of the complainant.¹

¹Section 552.108(c) provides that "basic information about an arrested person, an arrest, or a crime is not protected from disclosure." We believe that basic information is the type of front page offense and arrest information that is generally considered to be public information.

There are special situations in which front page offense report information may be withheld from disclosure under section 552.108. For example, in Open Records Decision No. 366 (1983), this office agreed that the statutory predecessor to section 552.108 protected from disclosure information about an ongoing undercover narcotics operation, even though some of the information at issue was front page information contained in an arrest report. Also, in Open Records Decision No. 333 (1982), this office agreed that certain front page arrest report information identifying individuals as informants and potential informants was protected from disclosure. However, you do not argue that there are special circumstances that require section 552.108 protection for the front page offense report information. The complainant's identity is not protected from disclosure and must be released.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ruth H. Soucy', written in a cursive style.

Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/ch

Ref: ID# 126567

cc: Mr. Gary L. Davis
P.O. Box 1253
Kilgore, Texas 75663
(w/o enclosures)